

Indianapolis Meeting A Great Success

In May 2001, the Fiftieth Annual Meeting of the Seventh Circuit Bar Association and



Judicial Conference took place in Indianapolis. The topic of the meeting was “Working Together to Promote Justice” and the

keynote speaker, Kathleen Hawk Sawyer, the Director of the Bureau of Prisons, United States Department of Justice, delivered an enlightening presentation concerning the status of the prison system in the United States.

During the Conference, panelists discussed topics including a “behind the scenes” look at the Seventh Circuit courts, the future of the federal judiciary, and



judicial sentencing recommendations. As usual, the Conference facilitated the exchange of diverse views and contributed to the practitioners’ understanding of practicing in the Seventh Circuit.

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Judges and Practitioners Share Lively Exchange Of Views Regarding Writing for the Seventh Circuit

On the first full day of the 2001 Annual Meeting, a panel of judges and practitioners shared a lively exchange of ideas regarding practice in the Seventh Circuit. The first portion of the presentation was entitled “How the Seventh Circuit Prefers that We Write.”

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This issue is largely devoted to the Conference. I am grateful to Pamela Pepper, our Wisconsin Circuit Rider Chair, who contributed many of the articles that made this issue possible, as well as to Nathan Jamison, of the Milwaukee Office of Quarles & Brady, who authored the update on the "Trial and Appellate Practice Program." The Association is pleased to provide this overview of the Indianapolis Annual Meeting and recommends that you save the dates (May 5-7, 2002) for this year's Chicago meeting entitled "Law and Economics." Please check out our web site at www.ca7.uscourts.gov/bar for more information. I hope to see you there!

Karen Layng, President

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The panel included Judge Kanne, who also see acted as the moderator of the panel, and Judges Easterbrook, Manion, and Rovner.

The judges offered many suggestions for how practitioners can improve their submissions to the Seventh Circuit. The theme of these suggestions is expressed in Judge Easterbrook's recommendation to look not only at the Seventh Circuit rules, but also to follow the dictates of common sense. The judges talked about simple measures practitioners can employ, including easily-read type fonts, proper spacing, and the elimination of large blocks of single-spaced, indented text. The judges also discussed the importance of

well organized, clearly thought out briefs. Judge Rovner summarized the panelists' views in her statement that too many briefs seem to be "stream of consciousness" or "rudderless," with no central theme. The practitioners who participated in the panel addressed issues ranging from the difficulty of writing high quality briefs that meet technical requirements, to courtesy and respect in the pre-trial and trial processes.

Indiana and Wisconsin practitioners earned up to eight CLE credit hours by attending the Conference.

What Happens Behind The Scenes at the Seventh Circuit?

At the Monday morning session of the 2001 Annual Meeting, Circuit Executive Collins T. Fitzpatrick and Circuit Court Judge Michael S. Kanne presented a program for those interested in learning what happens to their cases behind the scenes at the Seventh Circuit. One highlight of the program was the



explanation of the general procedure for oral arguments in the Seventh Circuit. The panelists discussed

how oral arguments are scheduled, assigned, and decided, as well as the impact oral arguments can have on the outcome of a case. The panelists also provided practitioners with information not widely known, such as the fact that parties can obtain cassette-tape recordings of their oral arguments for a fee.

Judicial Sentencing Recommendations On Location and Program

At the Monday afternoon break-out session, entitled “Judicial Sentencing Recommendations on Location and Program,” United States District Judge John Daniel Tinder, from Indianapolis, acted as moderator. The panel of speakers included United States District Judge Barbara B. Crabb, United States District Judge J. Phil Gilbert, Kathleen Hawk Sawyer, Director of the Bureau of Prisons, Frank D. Hall, Jr., Chief Probation Officer from Indianapolis, and Gregory L. Hershberger, Regional Director for the Bureau of Prisons’ North Central Region.

The program focused on the interface between the judiciary and the Bureau of Prisons. The speakers provided insight to judges on methods to better sentencing recommendations so that they can be implemented at the prison/corrections level. The speakers offered useful information for judges and practitioners attending the session including which services are offered at specific facilities, why some sentencing recommendations are not followed and what to do if a sentencing recommendation is not implemented. The Bureau of Prisons personnel also asked audience members for assistance in areas such as educating the public about community correction centers.

Maintaining An Independent Judiciary

The opening program for the second day of the 2001 Conference consisted of a panel of

judges discussing the issue of how to maintain an independent judiciary, moderated by Seventh Circuit Judge William J. Bauer and including Seventh Circuit Judge Thomas E. Fairchild, as well as District Court judges S. Hugh Dillin, Barbara B. Crabb and James B. Moran. The panelists agreed that judges have a proper measure of independence, and that no erosion of that independence has been noted. The judges discussed potential threats to the independence of the judiciary including congressional intervention, criticism from the media and the public, and the role of bar associations in the defense of judges. The judges also discussed the increasingly strident tone of Supreme Court decisions and whether that tone impacts the rest of the federal judiciary.

The Future Of The Federal Court

Lauren Kay Robel, Associate Dean of the Indiana University School of Law, moderated a discussion between Judge Sarah Evans Barker, of Indianapolis, and Professor Charles Geyh, of the Indiana University School of Law, regarding the future of the federal courts. The panelists discussed the Judicial Conference’s 1996 long-range planning report which raised the issues of access to the courts, alternative dispute resolution, potential limitations on trials, and how these issues will impact the relationships between all the branches of government. The panel discussed the impact of these trends and, particularly, the importance of Article III courts and the independence and stability that the courts bring to dispute resolution.

Federal Defender Policies And Payment Of Panel Attorneys

Seventh Circuit Judge Michael S. Kanne moderated a group of speakers who addressed the policies of the federal defender offices and the role of panel attorneys in the system. The group discussed the importance and effectiveness of panel attorneys. The group also discussed ways to achieve better quality in panel attorneys, in particular by making the job more attractive to qualified and experienced candidates. Much of the discussion focused on improving the training, pay, and payment process for panel attorneys.

Wisconsin Break-Out Section

Bill Levit, of the Milwaukee office of Godfrey & Kahn, moderated a break-out group involving Wisconsin judges and practitioners. The group discussed the trend of fewer trials in Wisconsin. The discussion focused on the appropriate level of judicial involvement in pre-trial and settlement matters, flexible versus firm discovery, pleading and trial dates, and issues raised by the prevalence of alternative dispute resolution. The group also discussed the importance of general civility and professionalism in pre-trial and trial practice.

Other Seventh Circuit Bar Association Sessions

In addition to the Annual Meeting and Conference, the Association sponsors Bench and Bar sessions to discuss hot topics and

encourage the exchange of ideas between the District and Seventh Circuit Judges and the lawyers who practice before them. The following is a sampling of our recent events.

Seventh Circuit Bar Association Event Provides Helpful Information

On November 9, 2001 the Seventh Circuit Bar Association sponsored a free CLE seminar entitled "Trial and Appellate Practice" to provide an introduction to practice in federal court, specifically in the Eastern District of Wisconsin and the Seventh Circuit. The half-day seminar was held at the United States District Courthouse in Milwaukee.

The seminar began with brief introductory remarks by Bill Levit, First Vice President of the Seventh Circuit Bar Association. Next, Sofron B. Nedilsky, Clerk of Court for the Eastern District, gave an overview of the role of the Clerk's Office, specifically addressing the process by which judges are assigned to cases and how the senior judges fit into the mix. Mr. Nedilsky also addressed the hours of operation of the Clerk's Office and the procedure by which litigants can consent to a magistrate judge, who will then oversee the case through trial. In such a case, the magistrate's decisions are directly appealable to the Seventh Circuit.

Following the Clerk's remarks, moderator Dan Conley led a discussion of the policies and procedures of different judges. Participating in this discussion were Chief Judge J.P. Stadmueller, Judge Charles N. Clevert, Judge

Lynn S. Adelman, Magistrate Judge Aaron E. Goodstein, Magistrate Judge Patricia J. Gorence and Magistrate Judge William E. Callahan Jr. Topics covered in the discussion included the judges' determination of case timelines, use of telephonic conferences to decide discovery disputes arising during a deposition, and whether the judges allow lawyers to contact the judges' clerks with procedural questions. There was also an extensive discussion of the role of magistrate judges to settle cases. All of the judicial participants strongly encouraged the use of magistrate judges to facilitate settlement, making a point to note that the magistrate judges never discuss the settlement negotiations with the assigned judge.

After the district judges' discussion, the Seventh Circuit's Senior Conference Attorney, Joel N. Shapiro, gave a presentation on the role of the Settlement Attorneys. The highlight of the program was the presentation by Seventh Circuit Judge Terence T. Evans on what to expect at the Seventh Circuit. The seminar concluded with a reception for all panelists and participants and a tour of the courthouse led by Chief Deputy Clerk Michael C. Williams.

Pretrial Procedure

On November 13, 2001, at the Union League Club in Chicago, Judges Matthew F. Kennelly, James F. Holderman, and Rebecca R. Pallmeyer participated in a breakfast Bench and Bar presentation moderated by the Bar Association membership chair James Figliulo, concerning Pretrial Procedures. The practical insight provided by the Judges was invaluable

and afforded the large crowd with numerous pearls of wisdom as to practice before the District Courts and management of client expectations in the process.

Balancing Private and Personal Lives – A Perspective

Instead of one perspective, the panelists at this lively program, including the Hon. Anne Williams, the Hon. Daniel Manion, both of the Seventh Circuit Court of Appeals, the Hon. Wayne Anderson, Northern District of Illinois, Karen P. Layng of Vedder Price, Michael Pope of McDermott, Will & Emery, Diane Dillon Bielawski, Corp. Counsel to R.R. Donnelley & Co., and moderator Nina Stillman provided seven different approaches to this theme. All the panelists stressed the importance of career and life planning and organization and discussed the role of the judiciary and law firms to support pro bono and public service initiatives as well as alternative work arrangements.

Technology Update

The Seventh Circuit Bar Association's web page is located at www.ca7.uscourts.gov/bar. The page features links to many law-related web sites, including links to the sites of each federal court, state and local governments, and continuing legal education information. Additionally, the Seventh Circuit web page provides a brief filing checklist and suggestions for practitioners filing briefs in the Seventh Circuit – including the preferred font types and sizes discussed at the Annual Conference. We recommend that you take advantage of these useful sites and easily accessible information.